

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JAMES STEVENS <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CASE NO.: 7:24-CV-00027 (WLS)
	:	
3 SQUARES DINER LLC,	:	
	:	
Defendant.	:	
	:	

ORDER

The Court recently scheduled a hearing to investigate the pending joint-Motion to Approve Settlement (Doc. 39) and Plaintiffs’ Motion for Attorneys’ Fees (Doc. 38). The Court requires supplemental briefing on an additional issue. The Parties should address the following issue:

Does *Johnson v. NPAS Solutions, LLC*, 975 F.3d 1244 (11th Cir. 2020) prohibit Plaintiff Stevens from receiving an incentive payment in exchange for releasing all claims? Under the Proposed Settlement Agreement Stevens will receive \$5,000 in exchange for an agreement to generally release all claims. (Doc. 36-3 at 6.) Yet in *Johnson*, the Eleventh Circuit rejected a class-action settlement because it paid an incentive to the named plaintiff. Many district courts have applied this reasoning to invalidate incentives to named plaintiffs in FLSA collective actions. *See Turner v. Rosen Hotels & Resorts, Inc.*, No. 6:21-CV-161, 2022 WL 3046834, at *6–8 (M.D. Fla. June 15, 2022), *report and recommendation adopted*, 2022 WL 3042512 (M.D. Fla. Aug. 2, 2022); *McMurray v. Formel D*, No. 2:19-CV-548, 2022 WL 21712587, at *7–8 (N.D. Ala. Sept. 30, 2022); *Lochren v. Horne LLP*, No. 6:21-CV-1640, 2023 WL 7411114, at *6–9 (M.D. Fla. Sept. 19, 2023), *report and recommendation adopted*, 2023 WL 9792603 (M.D. Fla. Nov. 20, 2023); *Blessinger v. Wells Fargo & Co.*, No. 8:22-CV-1029, 2023 WL 8458253, at *9–11 (M.D. Fla. Oct. 20, 2023), *report and recommendation adopted*, 2023 WL 8432223 (M.D. Fla. Dec. 5, 2023).

The Parties failed to address *Johnson* in their Motion to Approve Settlement. So the Court gives them an opportunity to do so before the settlement hearing. The briefing must reference any relevant controlling Eleventh Circuit authority.

Thus, the Parties are **ORDERED** to submit a supplemental brief addressing this issue no later than **Wednesday, August 27, 2025**. The brief should be no longer than five pages. If necessary, the Court will include *Johnson* among the topics to be discussed at the hearing.

SO ORDERED, this 6th day of August 2025.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT